

APPLICANT(S): ARAD, Eli, et al.  
SERIAL NO.: 10/501,953  
FILED: November 28, 2005

## REMARKS

The application contains 11 claims of which claims 1 and 6 are independent claims. Claims 1-3 and 6-7 stand rejected under 35 U.S.C. 112 second paragraph as being incomplete for omitting essential elements and claims 1 and 7 for being indefinite.

5 Claims 1-5 and 6-9 stand rejected under 35 U.S.C. 102(b) for being anticipated by US Patent 4,160,654 to Bartholemew (654) or, in the alternative, under 35 U.S.C. 103(a) as obvious over 654 in view of RE 37,920 to Moffet.

Claims 6-7 and 9-11 stand rejected under 35 U.S.C. 103(a) as obvious over US Patent 6,818,577 to Anma et al (577) in view of 654.

10 Claim 6 stands rejected under 35 U.S.C. 102(b) for being anticipated by US Patent 5,114,813 to Smoot et al.

In response, claims 1, 3, 6, 8, 10 and 11 are amended and claims 7 and 9 are cancelled. Claim 1 is amended to replace “comprising essentially” with “consisting essentially of” in accordance with the Examiner’s recommendation. Claim 1 is also amended to recite that “the molar percent of at least one of AlF<sub>3</sub> and NaF is greater than 0” and that the concentration of ZnO is greater than 0 by adding a greater sign “<” after the 0 in the recitation of the molar percent content of ZnO. Claim 3 is amended to remove the option that the molar percent of Fluorine provided by NaF and AlF<sub>3</sub> can be equal to zero. Claim 6 is amended to recite that the zinc silicate glass consists essentially of the components listed in cancelled claim 7. Claim 8 is amended to adjust dependencies for cancellation of claim 7.

20 Applicants submit that the changes to claim 1 obviate the 35 USC 112 rejections of these claims and claims that depend from these claims.

With regard to claim 1, the Examiner contends that the claim is anticipated by the glass of Example 12 in Table I of the 654 patent. Applicants note that Example 12 comprises 8.2 mole percent of Chlorine (Cl). Since amended claim 1 recites that the glass claimed in the claim “consists essentially of” the components listed in the amended claim, and the listed components do not include Cl, Example 12 cannot anticipate the amended claim. Furthermore, since the combination of 654 and RE 37,920 does not remove Cl from Example 12, the combination does not provide the glass of amended claim 1 and therefore cannot support a prima facie case of obviousness against the claim. In view of the above, applicants submit that amended claim 1 is patentable over the art cited by the Examiner.

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With respect to the rejection of claim 6 as obvious over 577 in view of 654, the Examiner submits that 577 provides the optical article claimed in the claim and Example 12 in Table I of 654 provides a glass that conforms to the glass claimed in the claim. Amended claim 6, in reciting the limitation of a glass *consisting essentially of* the components listed in 5 cancelled claim 7 removes the glass in the amended claim from the scope of 654 and support for rejecting the claim over 577 in view of 654.

With respect to the rejection of claim 6 as anticipated by 813, 813 does not recite a glass having a composition of that of the glass claimed in amended claim 6 and therefore the claim is not anticipated by 813.

10 In view of the above, applicants submit that independent claims 1 and 6 are patentable over the art cited by the Examiner and that claims dependent on the independent claims are patentable, at least through their dependence on the independent claims. Allowance of the application is respectfully awaited.

15 Respectfully submitted,  
ARAD, Eli, et al.

  
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20 Dated: February 18, 2008

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